

## REMARKS

In the Office Action dated April 30, 2002, the Examiner imposed a restriction requirement under 35 U.S.C. §121 stating that the application contains two sets of claims respectively directed to patentably distinct inventions, namely claims 6-9, drawn to an x-ray support, and claims 1-5 and 10-12, drawing to an examination table. The Examiner stated that these inventions are related as a combination and sub-combination, and the Examiner stated that the combination as claimed does not require the particulars of the sub-combination as claimed because the x-ray source need not be directly coupled to the table. The Examiner stated the sub-combination has separate utility, such as for examinations conducted without the use of x-rays.

In response, in view of the amendments to the claims, Applicants provisionally elect claims 1-5 and 7-12, with traverse. As an alternative, if the Examiner does not accept Applicants' re-grouping of the claims, Applicants provisionally elect claims 1-5 and 10-12, with traverse.

The Examiner included claim 5 among the claims in the second group of claims, drawn to an examination table. Claim 5 generically referred to an "examination part" which was then, in claim 6, specifically claimed as being an x-ray source. Since the Examiner apparently had no objection to the generic inclusion of the element of an "apparatus part" in claim 5, claims 8 and 9 have been editorially amended to refer to apparatus parts, which are now designated as first and second apparatus parts. The dependency of claim 7 has been changed to depend from claim 5, and therefore none of claims 7 through 9 makes specific reference to an x-ray source or an x-ray receiver. In view of the inclusion of claim 5 as being among

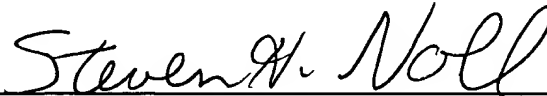
the claims drawn to an examination table, Applicants submit that claims 7-9 are now, for the same reasons, also includable in that group of claims.

Applicants, however, disagree with the Examiner's conclusion that the claims as originally filed represent a combination (i.e., an x-ray source support) and a sub-combination (i.e. an examination table). The Examiner may have felt justified in reaching this conclusion by virtue of the language in claim 5 stating that the stand is connected "at least indirectly" to the carrying arm for the apparatus part. It is clear from the present specification, however, that this language still does not permit a completely independent arrangement of the stand with regard to the remainder of the patient positioning table. The stand with the x-ray system forms a part of the patient positioning table and cannot be implemented independently thereof, otherwise the x-ray system could not follow the swivel motions of the support plate of the positioning table, as set forth in dependent claims 8 and 9.

Applicants therefore respectfully request examination of all claims of the application. If the Examiner still believes that some form of restriction is necessary, Applicants then submit that, in view of the above amendments, restriction only would be proper between claims 1-5 and 7-12, as a first group, and claim 6 as a second group. If the Examiner maintains the restriction requirement but accepts this re-grouping of the claims, then Applicants elect claims 1-5 and 7-12 for immediate

examination. Only if the Examiner maintains the original restriction requirement and also does not accept Applicants' proposed re-grouping of the claims do Applicants then elect claims 1-5 and 10-12 for immediate examination.

Submitted by,



(Reg. 28,982)

SCHIFF, HARDIN & WAITE

**CUSTOMER NO. 26574**

Patent Department

6600 Sears Tower

233 South Wacker Drive

Chicago, Illinois 60606

Telephone: 312/258-5790

Attorneys for Applicants

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

Please amend claim 7 as follows:

7. (Amended) A urological patient positioning table as claimed in claim [6] 5 wherein positioning plate has an upper side and a lower side, and wherein said stand comprises a first section disposed next to said upper side of said positioning plate and a second section disposed next to said lower side of said positioning plate, said second section being substantially parallel to said longitudinal axis of said positioning plate.

Please amend claim 8 as follows:

8. (Amended) A urological patient positioning table as claimed in claim 7 wherein said apparatus part is a first apparatus part, and further comprising a second apparatus part, and wherein said first apparatus part [x-ray source] is mounted at said first section of said stand and wherein said [x-ray receiver] second apparatus part is mounted at said second section of said stand, and wherein said [x-ray source] first apparatus part is adjustable in position relative to said first section and wherein said [x-ray receiver] second apparatus part is adjustable in position relative to said second section, said [x-ray source] first apparatus part and said [x-ray receiver] second apparatus part each being adjustable in at least one of a first direction along said longitudinal axis and a second direction transversely to said longitudinal axis.

Please amend claim 9 as follows:

9. (Amended) A urological patient positioning table as claimed in claim 8 wherein said [x-ray source] first apparatus part and said [x-ray receiver] second apparatus part are synchronously adjustable.